

46 Am. Jur. 2d Judges § 106

American Jurisprudence, Second Edition | February 2022 Update

Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

2. Interests as Grounds for Disqualification

b. Particular Interests as Grounds for Disqualification

(4) Other Interests as Disqualifying

§ 106. Interest of judge in estate as grounds for disqualification

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  42

A judge is disqualified to pass on any matter concerning a decedent's estate in which the judge has a direct and substantial interest.¹ However, it has been found that where a special administrator disclaims interest in a suit in which he or she has been named as a defendant and which later comes before the judge as a judge, the judge is not disqualified although in answering he or she adopts the answer of an active defendant.²

© 2022 Thomson Reuters. 33-34B © 2022 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

Footnotes

- 1 [State ex rel. Parker v. Vosloh](#), 222 Ind. 518, 54 N.E.2d 650 (1944).
As to the disqualification of a judge who is a debtor of an estate, see § 96.
- 2 [Bass v. Minich](#), 194 Ark. 589, 109 S.W.2d 139 (1937).

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.